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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,249	11/17/2003	Jeffrey Gerard Bourque	10541-1876	4977

57444 7590 07/12/2006

AUTOMOTIVE COMPONENTS HOLDINGS LLC  
C/O MACMILLAN, SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA, FIFTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604-1853

EXAMINER

REDMAN, JERRY E

ART UNIT PAPER NUMBER

3634

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/715,249

Applicant(s)

BOURQUE ET AL.

Examiner

Jerry Redman

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 7-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The status of the claims is as follows:

Claims 1-6 have been cancelled; and

Claims 7-15 are herein addressed below.

Claims 7-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 7, line 21, and claim 15, line 28, the phraseology "loosely" is not readily understood by the Examiner. It appears that "loosely" is relative and fails to specifically recite the claimed invention.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claims 7-15 are further rejected under 35 U.S.C. 102(b) as being anticipated by Gillen et al. (5,473,840). Gillen et al. ('840) disclose a closure panel assembly (14) comprising a pair of guide rails (16 and 18; for claims 6 and 14 where the first surface feature is formed of plastic material, Gillen et al. disclose in column 12, lines 38-46, channel liners, which includes the first surface feature, are formed of flocking material or other similar material used to support and seal vehicle windows, i.e. it is well known to that flocking material can be formed of plastic material to provide sealing functions as described) having channels and affixed to glass fixed

Art Unit: 3634

panels (20 and 22) on opposite sides of an opening, a glass sliding panel (24) having an outer face and a first and second edge bordering the outer face, the first and second edges disposed within the guide rails (16 and 18) when the sliding panel moves between an open and closed position, a compression seal (26 forms elements 28, 30, 36 or 38 and/or Figures 12-18) extending about the periphery of the opening between the fixed panel (22 or 24) and the sliding panel (24), the guide rails (16 and 18) having a pair of engagement portions (58) in the form of a first surface feature projecting laterally in the direction of the opening defined by the fixed panels, a portion of the outer face of the sliding panel (24) having a pair of second surface features (72) projecting towards the engagement portion (58), and a third surface feature (as shown in Figure 10A, the first surface feature (112) would be the top projection and the third surface feature would be the one below the top projection or visa verse; furthermore, the embodiment of Figure 10A would read on just the first and second feature as well) engaging the second surface feature (72). Gillen et al. ('840) further discloses the second surface feature laterally displaces the sliding panel (24) substantially only when engaging the first surface feature (see Figures 12 and 13, the surfaces are spaced from each other and only when the sliding panel is displaced do the two surface features engage one another).

The applicant's arguments have been considered but are not deemed persuasive. The applicant argues the phraseology "loosely" in the remarks as newly amended by the claims. The phraseology "loosely" is vague and indefinite and fails to


Art Unit: 3634

positively recite the claimed invention. It would appear that the applicant should recite how the panel is positioned between an opened position and a fully closed position. For example, what is the sliding panel engaging when in an opened position and what the sliding panel engages when in a closed position.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.

  
Jerry Redman  
Primary Examiner